

From: Steven Boothe
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Dear Sir/Ma'am, or to whom it may concern:

My name is Steven Boothe and I am a citizen of the United States since birth. I currently reside in the beautiful state of California.

I am writing because I just learned that I have the opportunity (expiring Monday, January 28) to air my comments (in accordance with the Tunney Act) on the justice and efficacy of the proposed Microsoft Settlement. For this privilege to engage the judicial system I am truly grateful to be a citizen of the United States of America.

So for those that may be in a hurry, in short: I find this proposed settlement appalling and disgraceful. No I do not approve. I herewith cast my vote against this proposal, and for reference, respectfully request that the short-comings highlighted in the following paragraphs be rectified as my suggestion for how to adequately meet out justice and retain our country's dignity in this case. Here are the paragraphs of which stand out so clearly stated as the problems I whole heartedly agree need attention:

"The remedies in the Proposed Final Judgments specifically protect companies in commerce -- organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against "competing" commercial software vendors like Netscape, and other commercial vendors -- computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry.

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But Microsoft's greatest single threat on the operating system front comes from Linux -- a non-commercial product -- and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against

not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

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Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only."

Hence: "If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before."

Please do not allow our tax dollars and dignified judicial system to be displayed as a wasted effort by leaving this proposed settlement in a status quo.

(<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>)

Thank you very much for your time,

Steven Boothe

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A concerned husband, father, and computing professional.